

FILED

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OCT 18 2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK, U.S. DISTRICT COURT
By [Signature]
Deputy 8:44 AM

GENERAL ELECTRIC COMPANY, §
Plaintiffs, §
v. §
MITSUBISHI HEAVY INDUSTRIES, §
LTD., MITSUBISHI HEAVY §
INDUSTRIES AMERICA, INC., and §
MITSUBISHI POWER SYSTEMS §
AMERICAS, INC., §
Defendants. §

Case no. 3:10-cv-276-F


**ORDER DENYING IN PART AND DENYING WITHOUT PREJUDICE
DEFENDANT'S MOTION FOR PROTECTIVE ORDER**

BEFORE THE COURT is Defendants Mitsubishi Heavy Industries, Ltd. and Mitsubishi Power Systems America, Inc.'s Motion for Protective Order Limiting Third Party Discovery (Docket No. 54), filed on September 10, 2010. Plaintiff General Electric filed a Response on September 17 (Docket No. 60). Defendants filed a Reply on October 1 (Docket No. 69). A hearing was held addressing this Motion on October 13, 2010. During the hearing, Defendants withdrew their objection to discovery of the documents sought by Plaintiff from the third parties identified in their Motion for Protective Order. Therefore, as to discovery of documents from third parties Babcock & Brown, Bluarc Management Group, Pattern Energy Group, Cielo Wind Power, and Edison Mission Energy, Defendant's Motion for Protective Order is DENIED AS MOOT.

In their Motion, Defendants also objected to Plaintiff's desire to obtain depositions of representatives of the third parties. During the hearing, the parties informed the Court of the progress in the discovery process, and notified the Court that the resolution of the issue is no longer urgent and not prejudicial to the resolution of the case. Upon prompting of the Court, the parties agreed to consult with one another to attempt to resolve this issue in the near term. If that is not possible, the Motion can be re-filed. Therefore, the Motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Signed this 18th day of October, 2010.


Royal Furgeson
Senior United States District Judge